

## **FAILURE OF CARRIER TO ACT OR RULE TIMELY ON CLAIM REQUEST**



W.Va. Code § 23-4-1c(a)(3) provides a process by which claimants may seek the help of the Office of Judges when BrickStreet Mutual, or a self-insured employer, or any private insurance carrier, fails to timely rule or act upon any request or motion in a workers' compensation claim. Many common actions in workers compensation claims (e.g.: rule on claim; supply copy of file; arrange for doctor's examination; act upon doctor's request; etc.) have legally established time limits for insurance carriers to act. Those time limits are found at various sections of Chapter Twenty-Three of the W.Va. Code, and in several regulatory rules in Title 85 of the Code of State Regulations.

**Please note that this process does not apply to claims administered by the Office of the Insurance Commissioner through its third party administrator.**

The Office of Judges Procedural Rule, 93 CSR 1, §18, provides the procedure for reporting violations and requesting assistance. The Rule may be accessed through the main menu of this website. Key provisions include:

- A form must be completed giving sufficient information for the Office of Judges to begin the process. This form is available in the [FORMS](#) section of this website.
- The Office of Judges, upon receipt of a properly completed form, will notify the claim administrator of the filing of the complaint and will ORDER the claim administrator to comply within a certain time limit.

- The Office of Judges will also require the claim administrator to explain why the original request was not timely acted upon and why this special remedy had to be requested.
- The Office of Judges will report its conclusion about the complaint to the Insurance Commission.
- The Insurance Commission will then decide whether to impose fines, or other sanctions, upon the carrier.